Crl. Rev. No. 380/01
(Old No. 502/1996)

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri H. C. Pandey learned A.G.A. and perused the record.

The revision under section 397/401 of the Code of Criminal Procedure (for short 'Code') was preferred against the judgement and order dated 14.12.1995 passed by Sessions Judge, Uttarkashi in criminal appeal no. 30/1993, whereby the appeal was partly allowed and the revisionists were convicted under section 323 IPC and each of them was sentenced to pay fine of Rs.1000/-.

The revision was not preferred in time and an application for condonation of delay under section 5 of the Limitation Act was preferred. The delay was not condoned when it was filed before the Allahabad High Court. Perusal of the affidavit filed in support of the condonation of delay indicate that no sufficient cause had been shown for the same. It had been averred in the said affidavit that the father of the revisionists, who was the parokar of the revisionists could not reach at Allahabad High Court in time to file the revision. The cause for not reaching in time has not been shown in the affidavit. There is no sufficient reason for condonation of delay has been mentioned. Therefore, the application filed under section 5 of the Limitation Act is dismissed.

The revision being time barred and not admitted, the revision is dismissed in limine.

(Irshad Hussain, J.)

Dated 10.06.2004
Rawat